

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Marvin Leroy Mains
Plaintiff

17 CV 633 GKF - FHM

Case Number:
(To be supplied by Court Clerk)

FILED

NOV 20 2017

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

(Ottawa County Commissioners) Chad
Masterson, John Clarke, Russell
Earls, Linda Kelly, and Ethel
(Ottawa County Jail) Jeremy Floyd, Dan
Cook, Jesse Krewson, and Ethel
Defendant(s)

Current Location (including Address) of Confinement :

Ottawa County Jail
28 B Street South East
Miami Oklahoma 74354

Prisoner Number:

Department of Corrections
Number
#642648

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

A. Parties

1) Marvin L. Mains is a citizen of United States who presently resides at
(Plaintiff) (State)

Ottawa County Jail 28 Bst South East Miami Ok. 74354
(Mailing address or place of confinement)

2) Defendant Chad Masterson is a citizen of Miami OK.
(Name of first defendant) (City, State)

and is employed as Ottawa County Commissioner
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☐ Yes ☒ No

If your answer is yes, briefly explain: _____

3) Defendant Jeremy Floyd is a citizen of Miami OK.
(Name of second defendant) (City, State)

and is employed as Sheriff of Ottawa County
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☐ Yes ☒ No

☐ Mail ☐ No Cert Sve ☐ No Orig Sign

☐ C/J ☒ C/MJ ☐ C/Ret'd ☐ No Env

☐ No Cpys ☒ No Env/Cpys ☐ O/J ☐ O/MJ

If your answer is yes, briefly explain: _____

[You may attach one additional page (8 1/2" x 11") to furnish the above information for additional defendants.]

B. Jurisdiction

1) Jurisdiction is asserted pursuant to: (Check one)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ *Bivens v Six Unknown Named Agents of Fed. Bureau of Narcotics*
403 U.S. 388 (1971) and 28 U.S.C. §1331 (applies to fed. prisoners)

2) Jurisdiction also is invoked pursuant to 28 U.S.C. §1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

C. Nature of Case

1) Briefly state the background of your case. Black mold on walls and ceiling
horrible living conditions along with improper hygiene and
medical conditions

D. Cause of Action

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: [If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.]

a) (1) Count I: Having ing to live with black mold in places
we can't reach to clean also filthy air vents
that they won't clean

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Since 2010 the Sheriff, Under Sheriff and Jail
administrater have known of these conditions its
now 2017 and conditions have not change at all.

b) (1) Count II: In mates sleeping on inadequate matts on
concrete floor without having a boat or cot.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Again since 2010 that I personally know of people get issued poor matts and sleep on cold concrete floor with being issued a boat or cot to put their matts on.

- c) (1) Count III: the roof leaking and running through the pod like a river in hard rains but leaks in any rain

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Since 2010 the roof has leaked in numerous spots where inmates have to rearrange their living areas so they do not get themselves or property wet.

E. Request for Relief

- 1) I believe that I am entitled to the following relief: Pain + Suffering, mental anguish the stress \$10,000.00 fines decreased and the problems fixed plus their jobs terminated

Original Signature of Attorney (if any)

M. L. M.
Original Signature of Plaintiff

Attorney's full address and telephone number

Cause of Action Extra Page

D) (1) Count IV: Insufficient Hygiene and Clothing

(2) You are issued one tiny bar of soap, small tube of toothpaste, toothbrush, and a roll of toilet paper for hygiene. You are given one suite of clothing usually torn up or full of holes. You are not given a change out on laundry days which is twice a week.

E) (1) Count V Improper Medical

(2) There is not a nurse on duty 24 hours a day. If you're out of your meds. they will substitute another inmates meds for you. The facility will charge \$12.00 for every sick call request you put in and charge \$10.00 for every prescription you are issued.

F) (1) Count VI Improper Recreation time

(2) Not given one hour of recreation time per day. The pod 5 in in is the only pod not given recreation time because the facility will not fix the windows. The Administrator says there is no money to fix them but bought new uniforms and new watches for the jailors.

Cause of Action Extra Page

G) (1) Count VII Insufficient Plumbing

(2) The pod has 34 beds with 44 inmates and there is only one working shower which is cold water 98% of the time. There is 3 sinks only 2 work of the 2 only one has running cold water. The pod has 3 toilets none of the 3 working properly and leak water. The drains don't drain properly.

H) (1) Count VIII Eating situations

(2) There is only 4 tables with 24 seats for inmates to eat at the rest have to eat on the floor or on their bunk because there is not enough seats for the inmates to eat at a table.


I) (1) Count IX Corporal Punishment

(2) The whole pod is punished for one persons actions in any event that goes wrong.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at 28 Bth S.E. Miami OK 74354 on November 14, 2017.
(Location) (Date)


(Original Signature of Plaintiff)

Marvin Meins D-Pod
Oct 28 13th S.E.
Miami Ok 74354

17 CV

633 GKF - FHM



NO postmark-SC

RECEIVED

INMATE MAIL

NOV 20 2017

Mark C. Meins
U.S. District Court

Clerk of The Court

United States District Court

333 West Fourth Street, Room 411

Tulsa OK, 74103-3819

Legal Mail